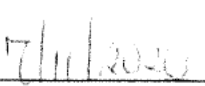
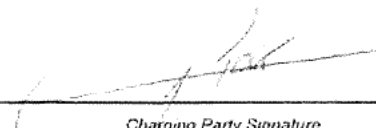


# **EX. 11**

EEOC Form 5 (11/09)

<b>CHARGE OF DISCRIMINATION</b> <small>This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</small>		Charge Presented To: Agency(ies) Charge No(s): <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC <span style="float: right;"><b>450-2020-04262</b></span>	
<b>Texas Workforce Commission Civil Rights Division</b> and EEOC <small>State or local Agency, if any</small>			
Name (indicate Mr., Ms., Mrs.) <b>Mr. Jari G. McPherson</b>		Home Phone (Incl. Area Code) 	
Street Address 		City, State and ZIP Code 	
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below)			
Name <b>TEXAS DEPARTMENT OF PUBLIC SAFETY</b>		No Employees/Members <b>201 - 500</b>	
Street Address <b>5805 North Lamar Boulevard, Post Office Box 4087, Austin, TX 78773</b>		Phone No. (Include Area Code) <b>(512) 424-2890</b>	
Name 		No Employees/Members 	
Street Address 		City, State and ZIP Code 	
DISCRIMINATION BASED ON (Check appropriate box(es).) <input checked="" type="checkbox"/> RACE <input checked="" type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input checked="" type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION <input type="checkbox"/> OTHER (Specify)		DATE(S) DISCRIMINATION TOOK PLACE Earliest                      Latest <b>09-15-2018                      10-30-2019</b>  <input checked="" type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (if additional paper is needed, attach extra sheet(s))        <div style="text-align: center; padding: 20px;">           .....SEE ATTACHMENTS "A1" AND "A".....         </div>			

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.  I declare under penalty of perjury that the above is true and correct.	NOTARY - When necessary for State and Local Agency Requirements  I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT   SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)
<div style="display: flex; justify-content: space-between;"> <div style="text-align: center;">             Date         </div> <div style="text-align: center;">             Charging Party Signature         </div> </div>	

**ATTACHMENT A1**

During the period May 2018 through October 2019 I was subjected to a racially hostile work environment, Unlawful Race Discrimination and Retaliation for engaging in protected activity within the Texas Department of Public Safety. During this period I experienced the following including but not limited to; working in an employment environment in which persons of color including but not limited to myself and other African Americans in which we were and are treated in an inferior, degrading and less favorable way than our White counter parts in every respect because of my and our race. The same consisted of including but not limited to Being treated less favorably and unfairly on performance evaluations, disciplinary treatment for the same and or similar conduct and or performance as my White similarly situated co-workers. I was also denied career enhancing job assignments, denied other privileges, benefits and opportunities of employment within the department because of my race, including but not limited to the following; being denied use of an Agency Vehicle (while same was provided to my White co-workers), a position on the 7C2 CSU Squad that I applied for was given to a less qualified White co-worker. The aforementioned treatment not only occurred because of my race but also in retaliation against me because I opposed (complained on numerous occasions) about the above described discriminatory treatment and racially demeaning and hostile environment which I and other co-workers of color were consistently subjected to. In June 2020 The Hispanic Lieutenant supervisor of my unit filed an internal EEOC complaint against the Agency for reason that my unit which consisted totally of persons of color were exposed consistently to unfair and racially demeaning treatment and denied the opportunities and privileges of employment as those enjoyed by my/our White similarly situated co-workers because of our color and or race. More than one Lieutenant has communicated to me that I was and am being treated in a disparate and unlawful discriminatory way and retaliated against by the Agency because of my race and protected activity. This has taken away from and affected my income and me and my family's health, welfare and safety. I am also bombarded each day by complaints and stories from my Minority co-workers of racially discriminatory treatment which they have been subjected to by the Agency because of their race and or color. The above described racially discriminatory treatment of myself and my minority co-workers has discouraged me from applying for promotions as based on the circumstance I was and am faced with would render such initiatives futile. I have desired to apply for promotions but have been directly and indirectly discouraged and or interfered with by the Agency preventing me from applying for promotions unlike my White similarly situated co-workers who have been encouraged, assisted in doing so and actually receiving such promotions and career enhancing assignments.

**ATTACHMENT "A"**  
**MCPHERSON**

**CLASS ALLEGATIONS:**

I also file these charges because I believe that the Texas Department of Public Safety maintains a pattern or practice of discrimination against minorities and specifically African Americans in the area of promotions, creating and maintaining a "Racially Hostile Environment" and Retaliation against African Americans and other Minorities/Protected Classes when those individuals report and or file formal and or informal complaints against the Texas Department of Public Safety (TDPS). I have been unlawfully discriminated against and victimized by the TDPS by being subjected to "Racially Hostile Environment" Retaliated against for reporting same including being denied the opportunity for career enhancing assignments and being promoted. I believe there are similarly situated minorities, including but not limited to African Americans that have been unlawfully discriminated against and victimized by the TDPS by being subjected to "Racially Hostile Environment" Retaliated against for reporting same including being denied the opportunity for career enhancing assignments and denied promotions based on Race including but not limited to the ranks of sergeant and above and file this charge on behalf of those individuals. Also the Texas Department of Public Safety promotional policies and other TDPS policies and practices and customs has a disparate impact on minorities, including but not limited to African Americans, because people of color are subject to not being selected for career enhancing assignments and promotions at a disproportionate rate, are subjected to a "Racially Hostile Environment" and Retaliated against for reporting same. The Texas Department of Public Safety's policies that create and maintain said unlawful discriminatory work conditions for African Americans and other minorities/protected classes is neither job-related nor consistent with business necessity and adversely impacts African Americans and other minorities/protected classes.